

---

JONATHAN S. HORNE

RECEIVED

MAR 16 1992

STATE COASTAL CONSERVANCY  
OAKLAND, CALIF.

309 March 11, 1992

Santa  
Monica  
BoulevardSuite  
307Santa  
Monica  
California  
90401

Peter Douglas  
Executive Director  
California Coastal Commission  
45 Fremont  
20th Floor  
San Francisco, California 94105

Re: Donahue Wildman  
Wildman/Chiate Easement

Dear Mr. Douglas:

As you may be aware, since we last met in your office we have investigated the feasibility of acquiring an interest over a portion of Escondido Beach as an additional element of our settlement proposal. Unfortunately, ownership and control of this property is in a very unsettled state and the owners are unable to commit to any proposed transaction. This has forced us to go back to the drawing board to restructure our settlement proposal.

To recap, I followed your directive and laboriously negotiated a proposed settlement agreement with the Coastal Conservancy. The settlement proposal essentially provided the private parties would acquire and construct a small public parking lot near Escondido Beach in exchange for extinguishing the Chiate/Wildman easement. The total project budget of approximately \$725,000.00 was to be shared by the Coastal Commission contributing the Black Tor funds (approximately \$330,000.00) and the private parties making up the +-\$400,000.00 balance. The budget consisted of land acquisition (\$600,000.00), construction (\$40,000.00 - \$75,000.00 depending on the site) and operation and management (\$50,000.00). We were led to believe the settlement would be acceptable to the Conservancy and the Commission subject to concern regarding whether the Black Tor funds could legally be used to offset any portion of the acquisition costs.

Telephone

310  
319  
9388Fax  
310  
319  
9599

Progress in negotiating this settlement was premised upon a common consensus that development of the Chiate/Wildman easement was highly problematic at best.

Page 2  
Peter Douglas  
March 11, 1992

I need not repeat the litany of problems we have detailed at great length in prior communications. It is sufficient for our purposes here for us all to recognize a common agenda in seeking to promote public access to Escondido Beach at a more suitable location.

In this regard the Conservancy staff agreed with us that the public beach at Escondido Creek was a very attractive and significantly underutilized public resource. The beach is immediately adjacent to PCH and therefore safe and relatively easy to monitor and service. We would not be creating a remote pocket beach which would be impossible to supervise and clean. Existing public improvements including stairways were already in place. Los Angeles County Beaches and Harbors already maintains the public improvements and provides trash pick-up. Potential conflicts with adjoining private lands were minimal because of the proximity of the beach to existing public rights-of-way.

The obvious problem with Escondido Creek Beach is the lack of parking. We proposed to improve the situation by increasing the parking available to service the beach. This would clearly provide a significant incremental increase in public use of Escondido Beach which was the overarching objective of both the Coastal Conservancy and the Coastal Commission. It would also complement the opening of the Mintz easement which seemed particularly compelling to Madeline Glickfeld during the discussions on approving the operating agreement with the Surfrider Foundation for opening the Mintz easement.

In my discussions with your staff I have heard some doubts expressed about the quid pro quo of exchanging the Chiate/Wildman easements for a parking lot. These doubts were apparently premised upon the obvious difference between the types of easements. Some expressed concerns about exchanging an apple (vertical easement) for an orange (parking easement).

In my opinion these are differences of form rather than substance. In both cases the purpose of the easements is to promote public access to public beaches. In both cases the public would obtain a perpetual right to use



law offices of  
JONATHAN S. HORNE

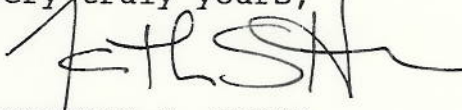
Page 3  
Peter Douglas  
March 11, 1992

private lands to facilitate access to the beach. However, there are two significant advantages of our proposal. First, it would provide greater public access to Escondido Beach within a very short time period. We may never see public access opened over the Chiate/Wildman easement. Second, because Escondido Creek beach is close to PCH it isn't necessary to provide vertical access. Since the objective is getting the public to the beach I see this as a significant advantage both from a cost and operational level. The Conservancy and Commission should be thrilled they can improve public access without having to build, maintain and supervise isolated vertical easements.

In short, from the perspective of promoting public access to Escondido Beach I am convinced our proposal is a rational tradeoff. If you agree that the basic framework for settlement still makes sense, it may be possible to restructure the economic component of the settlement. One possibility is the private parties would contribute the land at no cost to the public agencies. The Black Tor funds would only be used for construction and operation/management. Based upon our projected budget this would require the state to pay only \$95,000.00 - \$125,000.00 out of the total Black Tor fund of \$330,000.00. This would leave a large sum for future access improvements subject to your discretion and control.

Please let me know if further discussions in this respect would be productive. I look forward to hearing from you.

Very truly yours,



JONATHAN S. HORNE

cc: Donahue Wildman  
Lee Marsh, Esq.  
Roger Wolk  
Steven Thomas, Esq.  
Linda Locklin  
Brenda Buxton